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10/501,793

11/15/2004

Siegfried Bagusche

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PROSKAUER ROSE LLP  
PATENT DEPARTMENT  
1585 BROADWAY  
NEW YORK, NY 10036-8299

EXAMINER

TAOUSAKIS, ALEXANDER P

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/501,793

Applicant(s)

BAGUSCHE, SIEGFRIED

Examiner

Alexander P. Taousakis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/16/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: On page 1 line 6 of the 1<sup>st</sup> paragraph and page 5 line 6 of the 6<sup>th</sup> paragraph, "axisly" should be changed to -axially---.

Appropriate correction is required.

### ***Claim Objections***

Claim 1 objected to because of the following informalities: On line 4, "axisly" should be changed to -axially--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Steffens et al (PCT Pub. No.: WO00/76724), Patent No.: US 6,393,887 is the English language equivalent of the PCT application, and is used in the rejection below.**

1. Steffens et al teaches a deep-rolling device of a deep-rolling machine for crankshafts designed in scissor construction with two swivellable scissor arms lying opposite each other, each carrying a deep-rolling roller head or a backing roller head respectively, where the backing roller

head is fitted with two parallel-axially arranged backing rollers of which the rotational axes lie in a common plane, with a drive device which generates the closing and opening movement of the deep-rolling machine and the deep-rolling force, wherein the backing roller head (14) has at least one axial guide (27)

which in swivel direction (35) is arranged in front of the backing rollers (21, 22) to close the scissor arm (10) carrying the backing rollers (21, 22), the longitudinal axis (41) of which is perpendicular to the rotational axis (4) of the crankshaft (3) and lies in a direction which encloses an acute angle (37) with the plane (34) of the rotational axes (32, 33) of the backing rollers (21, 22), and the axial width (28) of which is greater than the width (29) of the backing roller head (14) and slightly less than the distance (29a) of the oil collars (25, 26) of a main bearing journal (5) or big end bearing journal (6) (see *Figures 2-4 and column 1 lines 40-67*).

2.

Steffens et al teaches a deep-rolling device according to Claim 1, wherein the acute angle (37) is  $0^\circ$  and the longitudinal axis (41) of the axial guide (27) has a distance (s) from the plane (34) (see *Figure 3 and column 3 line 24*).

3.

Steffens et al teaches a deep-rolling device according to Claim 1 wherein the axial

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guide (27) has a contour, which is prismatic, cylindrical, crowned or composed of different geometric sections (39, 40) (see *Figure 3 and column 3 lines 42-46*).

4.

Steffens et al teaches a deep-rolling device according to Claim 1 wherein several axial guides (27) are allocated to each of two backing rollers (21, 22), the axial width (28) of which guides is less than the width (29) of the backing roller head (14) and the outer width of which is slightly less than the distance (29a) of the oil collars (25, 26) of a main bearing journal (5) or big end bearing journal (6) (see *Figure 4*).

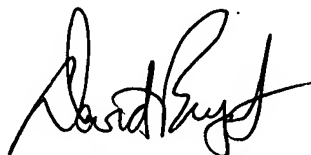
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander P. Taousakis whose telephone number is (571) 272-3497. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

APT



DAVID P. BRYANT  
SUPERVISORY PATENT EXAMINER

9/18/07